

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
WOLFE, SALUSSOLIA, and ALDYKIEWICZ  
Appellate Military Judges

**UNITED STATES, Appellee**  
**v.**  
**Sergeant PETER P. PROVENZANO**  
**United States Army, Appellant**

ARMY 20180083

Headquarters, 7th Infantry Division  
Timothy P. Hayes, Jr., Military Judge  
Colonel Russell N. Parson, Staff Judge Advocate

For Appellant: Major Todd W. Simpson, JA; Lieutenant Colonel Christopher D. Carrier, JA.

For Appellee: Pursuant to A.C.C.A. Rule 15.4, no response filed.

10 January 2019

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SUMMARY DISPOSITION  
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Per Curiam:

In pleading guilty to several offenses, appellant, Sergeant Peter P. Provenzano, stipulated to the facts of the case.<sup>1</sup>

In summary, Sergeant Provenzano was sexually attracted to his five-year-old daughter and sought advice over the internet about how he could begin having a sexual relationship with her. After initiating a conversation with an unidentified man, appellant asked, “What do you guys do? How did it start? What should I do?” The man advised that he should begin by bathing her. After appellant asked how long the unknown man had been having sex with his daughter, the pair then began exchanging messages and appellant requested pictures of the man’s family. Given the context of the conversation, and as appellant specifically agreed, his

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<sup>1</sup> Appellant pleaded guilty to one specification of soliciting the distribution of child pornography, one specification of communicating indecent language, and one specification of assault with a loaded firearm in violation of Articles 134 and 128, Uniform Code of Military Justice [UCMJ], 10 U.S.C. §§ 934 and 928.

communications amounted to a solicitation for the unknown man to distribute child pornography.

Sergeant Provenzano also made several posts online indicating an interest in beginning a “romantic relationship with another couple who had children.” Appellant stipulated that he wrote:

Looking to find a couple with kids to have a deep relationship. [I’d] love to swap pics [and] discuss what we are both looking for. This is our G rated pic, I have nude pics of us also if you want to swap those. How old are your kids? What are you into both in and out of the bedroom? Nothing surprises us so [let’s] see if we click.

Appellant also posted pictures of his wife on dating websites and indicated he had an open marriage. Appellant’s wife was not aware of any of appellant’s sexual interests and sexual misconduct.

Appellant physically abused and threatened his wife throughout the marriage. He admitted to threatening her, throwing things at her, and assaulting her. On “frequent occasions” Sergeant Provenzano would threaten to shoot his wife with a firearm, beat her until she bled, and kill her. On “several occasions” Sergeant Provenzano took out a gun, chambered a round, and threatened to kill his wife.

In his unsworn statement, Sergeant Provenzano indicated a desire to be retained in the Army. The trial counsel recommended that Sergeant Provenzano’s sentence include three years of confinement. The defense counsel recommended a sentence of seven months confinement and hard labor. The military judge rejected both recommendations and sentenced Sergeant Provenzano to four years confinement.<sup>2</sup>

In exchange for appellant’s guilty plea, the commander of the 7th Infantry Division signed an agreement promising to limit appellant’s confinement to only twelve months.<sup>3</sup>

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<sup>2</sup> Appellant was also sentenced to a bad-conduct discharge and reduction to the grade of E-1.

<sup>3</sup> The convening authority also agreed to dismiss one specification of rape, one specification of sexual assault, one specification of attempting to receive child pornography, and one specification of communicating indecent language.

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Having completed our review under Article 66, UCMJ, we conclude that the findings are correct in law, fact, and should be approved. We also conclude that the sentence is correct in law and fact, and as the sentence is not inappropriately severe, should also be approved.

**CONCLUSION**

The findings of guilty and the sentence as approved by the convening authority are AFFIRMED.



FOR THE COURT:

A handwritten signature in black ink, appearing to read "Malcolm H. Squires, Jr.", is written over the printed name.

MALCOLM H. SQUIRES, JR.  
Clerk of Court